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## Community Development Department

31 West Quincy Street • Westmont, Illinois 60559  
Tel: 630-981-6250 Fax: 630-968-8610

### Village of Westmont Planning and Zoning Commission May 11, 2016 - Minutes

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, May 11, 2016 at 7:00pm, at the Westmont Village Hall, 31 W. Quincy Street, Westmont, Illinois 60559.

Chair Ed Richard led in the following:

#### **(1) Call to Order**

#### **(2) Roll Call**

**In attendance:** Chair Ed Richard, Commissioners Craig Thomas, Gregg Pill, Thomas Sharp, Janis Bartel, Doug Carmichael, Secretary Wallace Van Buren, Community Development Director Jill Ziegler, Planner Joseph Hennerfeind

**Absent:** NONE.

#### **(3) Pledge of Allegiance.**

#### **(4) Swearing in of testifying attendees and reminder to sign in.**

#### **(5) Reminder to silence all electronic devices.**

#### **(6) Approval of Minutes of the March 9, 2016 meeting.**

Motion to approve the Minutes of the March 9, 2016 meeting.

Motion: Pill

Second by: Thomas

#### **VOTING--Minutes**

Thomas--Yes

Sharp--Yes

Van Buren--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

#### **(7) Open Hearing**

## **Old Business**

### **PZ 16-004      SKE Property Investments regarding the property located at 230 South Cass Avenue, Westmont, IL 60559 for the following:**

- (A)      Zoning Code Variance request for relief from the minimum square feet per building in the R-4 General Residence District.
- (B)      Zoning Code Variance request for relief from the maximum allowable density in the R-4 General Residence District.
- (C)      Site and Landscaping Plan approval to build a new single-family semi-detached dwelling.
- (D)      Preliminary Plat of Subdivision request to split one lot into two buildable lots in the R-4 General Residence District.

**PRESENTATION:** Ian McDonald, architect for project, discussed their request for variances. They have decided to split the property into two lots. It was presented that the owner cannot get a reasonable return on his investment with the variances, due to the price that he purchased and the economy. There are other buildings similar to the area and what he is proposing. Chairman Richard asked questions regarding the hardships, whether they could acquire additional property on either side to increase the lot size. McDonald replied that both lots next door are already built upon so they could not acquire additional land.

**PUBLIC COMMENT:** Ron Robinsons, resident in the area, inquired about how close it will be built to the 226 S Cass building, water drainage and lot coverage as there is downward slope and mentioned that he is not sure if the property owners north or south of the property have even been asked if they would sell. Noreiga stated that there will be 12+ feet between the buildings, as the building will be built 6-½ feet from the property line. He also stated that they will be required to install underground detention in order to develop the property. Noreiga mentioned that there will always be a storm that the detention does not contain, but property developer is investing a significant amount in order to provide the water management. Richard asked if there will be a berm. Noreiga mentioned that there are not indicating a berm but they will be grading the property.

Robert V. resident of 226 S Cass, concerned about water issues. He also mentioned that property to south has had some changes and may be interested in selling. He stated there is an existing wall at 230/234. It was stated that the wall could not be removed unless both parties agreed.

**STAFF COMMENT:** Hennerfeind stated that there is a lot subdivision with the variance request. It does require two variances and site and landscaping plan approval. Last time this was presented as one lot, it was at the recommendation of the Planning and Zoning Commission that the applicant look into subdividing so the units could be sold as owner occupied units. Both lots are 450 sq ft too small, so they will require a lot variance. They are looking at this as half a building on each lot, basically one building across two lots. The front of the house will be all brick just like neighboring units.

### **COMMISSIONER COMMENT:**

Carmichael: felt this was covered well in previous meeting and in favor.

Van Buren: variances being requested are almost the same as the other buildings in area, in favor.

Pill: was talked about in depth and plans updated, in favor.

Thomas: in favor, good transition from living into downtown area.

Sharp: in support.

Bartel: in support.

Richard: asked about the material for the driveway. Reply: permeable pavers will be used.

#### **FINDINGS OF FACT A & B**

- (1) YES--7; NO--0
- (2) YES--7; NO--0
- (3) YES--7; NO--0

#### **MOTION A**

Motion to recommend to the Village Board of Trustees to approve to a Zoning Code Variance request for relief from the minimum square feet per building in the R-4 General Residence District.

Motion by: Carmichael

Second by: Bartel

#### **VOTING A**

Van Buren--Yes  
Sharp--Yes  
Thomas--Yes  
Bartel--Yes  
Carmichael--Yes  
Pill--Yes  
Richard--Yes  
Motion passed.

#### **MOTION B**

Motion to recommend to the Village Board of Trustees to approve to a Zoning Code Variance request for relief from the maximum allowable density in the R-4 General Residence District.

Motion by: Thomas

Second by: Pill

#### **VOTING B**

Van Buren--Yes  
Sharp--Yes  
Thomas--Yes  
Bartel--Yes  
Carmichael--Yes  
Pill--Yes  
Richard--Yes  
Motion passed.

#### **MOTION C**

Motion to recommend to the Village Board of Trustees to approve to a Site and Landscaping Plan approval to build a new single-family semi-detached dwelling.

Motion by: Van Buren

Second by: Carmichael

## **VOTING C**

Van Buren--Yes  
Sharp--Yes  
Thomas--Yes  
Bartel--Yes  
Carmichael--Yes  
Pill--Yes  
Richard--Yes  
Motion passed.

## **MOTION D**

Motion to recommend to the Village Board of Trustees to approve to a Preliminary Plat of Subdivision request to split one lot into two buildable lots in the R-4 General Residence District.

Motion by: Pill

Second by: Thomas

## **VOTING D**

Van Buren--Yes  
Sharp--Yes  
Thomas--Yes  
Bartel--Yes  
Carmichael--Yes  
Pill--Yes  
Richard--Yes  
Motion passed.

## **New Business**

**PZ 16-006** Elliott Carpentry, LLC regarding the property located at 350 East Richmond Street, Westmont, IL 60559 for the following:

(A) Zoning Code Variance request for relief from the minimum lot area for a dwelling in the R-3 Single Family Detached Residence District.

**PRESENTATION:** Ian McDonald presented that lot size is 7400 sq ft though required lot size is 7800sq ft. There is no way to increase the lot size by acquiring additional property as the lots around them are already built.

**STAFF COMMENT:** Hennerfeind shared that the applicant is requesting lot variance. This lot was resubdivided in 1973, all lots on that side are about the same size and used to be Village owned as it had an emergency well on it that has been abandoned. Applicant has proposed building a two story house on the lot, meets other setbacks and this seems to be a good fit for the lot.

**PUBLIC COMMENT:** Katherine Gibson, neighbor to west of the property. She asked about the existing well and will it be filled in and how it will affect water drainage, does proposed plan fit the dimensions of the lot. Noreiga replied that the well has been abandoned and followed iaepa guidelines for abandoning it and will not affect the lot. They will have to meet the requirements for water drainage for the Village and Dupage County. Attorney said they have met setbacks and lot coverage guidelines and falls within

height limits.

Second resident on Oak Avenue is concerned that the size of house is much larger than others in the area as there are no other large homes on the lots in the area.

**COMMISSIONER COMMENT:**

Carmichael: thinks plan is sound, no objections.

Van Buren: meeting all requirements, only question for commission is the lot size regardless of house size, in favor.

Pill: asked about master bath and walk in closet design.

Thomas: in support.

Sharp: seconds what Comm. Van Buren mentioned.

Bartel: agrees with other comments, and meets requirements.

Richard: asked builder on the water flow since there is a steep grade from west to east. Reply: permeable pavers in the driveway and will be graded so water drains to the front and into the street. Richard asked about water flow. Noreiga: general contours of the grading will be S/SE, no downspouts directed towards neighbors and water will be directed to the front or back of the property to not affect neighbors.

**FINDINGS OF FACT A**

(1) YES--7; NO--0

(2) YES--7; NO--0

(3) YES--7; NO--0

**MOTION A**

Motion to recommend to the Village Board of Trustees to approve to a Zoning Code Variance request for relief from the minimum lot area for a dwelling in the R-3 Single Family Detached Residence District.

Motion by: Bartel

Second by: Sharp

**VOTING A**

Van Buren--Yes

Sharp--Yes

Thomas--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

**PZ 16-007      Angela Yuan regarding the property located at 5933 South Cass Avenue, Westmont, IL 60559 for the following:**

- (A)      Zoning Code Variance request to permit a home occupation sign in the R-3 Single Family Detached Residence District.
- (B)      Zoning Code Variance request for relief from the maximum allowable sign size in the R-3 Single Family Detached Residence District.

**PRESENTATION:** Christopher Yuan son to owners of the property shared that in 1992 they built original home which were approved with the dental office and home meeting all Village requirements. The owners are now interested in rezoning to allow for signage for their business. He stated that there are already very many accidents in that area and feels that a sign would actually help with clients trying to find his business and not affecting traffic flow for people slowing down to find the business. There will be no construction, structure changes or landscaping needed to add the sign, proposing signage letters under 9" added to the brick wall that already exists. They built a state of the art building and invested a lot for their practice. Previously he had a location with a large sign and when he moved he was able to keep that client base. Since then his client base has changed and is not growing, so he is facing a hardship without having some signage and being able to market. Property is very unique since it is one of the only residences on Cass in that area. Proposed sign will not have illumination.

**STAFF COMMENT:** Hennerfeind stated there are two variances that are being requested. There were no variances needed for the residence when it was built but signs not allowed over 1 sq ft. In terms of signage their proposal would not be intrusive and will appear in a very well traveled section of Cass that already has a lot of signage on it.

**PUBLIC COMMENT:** Mushka Chawlry presented that he does have some concerns as a neighbor of the area regarding look of sign, drawing more traffic to area and having a business in the neighborhood and will other businesses come to area. Attorney replied that the Village allows small businesses to operate out of a business, they meet this criteria so it is allowed. The intent for sign is to let customers know where there office is so it is possible to cause more traffic. But this does not allow more dentists to open businesses, only homeowners and family members would be able to participate in that business. This is only a sign request.

**COMMISSIONER COMMENT:**

Bartel: supportive so that cars can find easier.

Sharp: traffic issue is a good one, home is quite unique and thinks that sign is entirely appropriate.

Thomas: liked the building as he has passed it, but understands the problem that it is not clear that it is a dental office and can see why customers would need to slow and cause traffic flow issues, sign will be pointed away from neighborhood, supports 100%.

Pill: most people did not know this was a business, can help make safer environment and because it is right on Cass makes it feasible for this location. Felt this particular home occupation warrants a sign due to unique conditions, and support of this signage does not constitute support for all other home occupations.

Van Buren: knew it was a dentist as he has been on commission since they opened, welcomes the sign.

Carmichael: enjoyed house and wondered about its nature, supports the sign.

Richard: agrees with fellow commissioners. Asked if they could put address on sign as well. Reply: staff said that would not be considered signage and could add the 6" numbers for address and would be good for emergency response as well.

## **FINDINGS OF FACT A**

- (1) YES--7; NO--0
- (2) YES--7; NO--0
- (3) YES--7; NO--0

## **MOTION A**

Motion to recommend to the Village Board of Trustees to approve to a Zoning Code Variance request to permit a home occupation sign in the R-3 Single Family Detached Residence District.

Motion by: Van Buren

Second by: Thomas

## **VOTING A**

Van Buren--Yes  
Sharp--Yes  
Thomas--Yes  
Bartel--Yes  
Carmichael--Yes  
Pill--Yes  
Richard--Yes  
Motion passed.

## **MOTION B**

Motion to recommend to the Village Board of Trustees to approve to a Zoning Code Variance request for relief from the maximum allowable sign size in the R-3 Single Family Detached Residence District.

Motion by: Pill

Second by: Thomas

## **VOTING B**

Van Buren--Yes  
Sharp--Yes  
Thomas--Yes  
Bartel--Yes  
Carmichael--Yes  
Pill--Yes  
Richard--Yes  
Motion passed.

**PZ 16-008      Dan Hogan regarding the property located at 143 South Cass Avenue, Westmont, IL 60559 for the following:**

(A)      Site and Landscaping Plan approval to allow for construction of a building addition in the B-1 Limited Business District.

**PRESENTATION:** Dan Hogan presented that they have a tenant that has outgrown their space. They would like to eliminate a 20x22 deck and add a small addition. They are trying to keep the tenant in

Westmont, runs a great business and they would like to accommodate him.

**PUBLIC COMMENT:** None.

**STAFF COMMENT:** Hennerfeind stated that this property does require approval for the exterior modifications from the board. It does not require any stormwater adjustments because it is existing impervious. It does require an additional 3 spaces for the increase in size, business is doing well at that location.

**COMMISSIONER COMMENT:**

Carmichael: asked if the whole parking lot was part of parking. Reply: Yes.

Van Buren: asked about losing handicap access. Reply: that was not ADA approved it was from previous business use for daycare. Staff: does not need that access as they can access from other doorway which is at ground level.

Pill: supports 100%.

Thomas: supports 100%.

Sharp: addressed the question of the ADA access. Suggested that they still have some type of ramp for access over the small step.

Bartel: supports, glad business is doing well.

Richard: asks about the impervious surface and the deck. Staff: under the deck is compacted gravel, so it is not a significant increase in impervious area that would require storm water management.

#### **MOTION A**

Motion to recommend to the Village Board of Trustees to approve to a Site and Landscaping Plan approval to allow for construction of a building addition in the B-1 Limited Business District.

Motion by: Carmichael

Second by: Van Buren

#### **VOTING A**

Van Buren--Yes

Sharp--Yes

Thomas--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

#### **PZ 16-009      TESLA Motors regarding the property located at 50 West Ogden Avenue, Westmont, IL 60559 for the following:**

(A)      Special Use Permit request to operate an automobile dealership in the B-2 General Business District.

**PRESENTATION:** Christy Ortins presented for TESLA. She shared history on the company, TESLA designs, manufactures, sells and services all electric vehicles and owns their facilities, hires employees, etc. everything is under TESLA. Their mission is sustainable transportation and there is a sustainable



movement in the area based on their numbers of electric car owners in a 12 mile radius of the location. They would be using the location for sales, delivery and service. They are all custom made so they do not retain a large parking lot of pre-made cars, though they may have a few.

**STAFF COMMENT:** Hennerfeind stated that this is to consider a special use for a car dealership in the B2 district. This property has been vacant for some time, there were other plans that are being considered to adjust the cul de sac and allow dealership for more parking spaces. The landscaping plans are being worked on with staff to tweak and they have added a 7 ft screen fence to the plan. The site plan was already approved one year ago. The existing being is not being modified, the screening will be around new parking lot and there is no access to the residential areas. They did add additional street trees on the Ogden Avenue side as well. Attorney mentioned that all car dealerships must meet the special conditions in operating their dealerships, such as no balloons or streamers, no test drives through residential areas, no unloading of cars other than on your property.

**PUBLIC COMMENT:** Tim McGowan lives at 125 W 41st and shared that he really likes this plan. He mentioned that there is currently no north/south stop sign and it causes it to be a pretty dangerous intersection so that it will be a 4 way stop. (Note: commission commented that it is a county road and he would need to contact them regarding the stop sign). He also inquired as to whether the utility box on his property could be combined with the other utility box in the area. (Noriega commented that we do not own the utility boxes so that request would need to be addressed with the utility company directly).

Mike McGrath Jr., city chairman of Chicago Auto Trade Association, representing 400 car dealers in Chicagoland and long term business owner of McGrath dealerships in Westmont. McGrath attended in order to adamantly oppose allowing TESLA to use this property for a dealership. He stated that TESLA is a direct selling dealership which violates the Illinois motor vehicle franchise act and allowing them to be in that building will violate that act.

Joe Fitzner, resident of 4104 N Grant, has attended many of the meetings and knows the site plan was approved. He asked if there will be parking allowed in the cul de sac, currently it seems that employees of the other dealership park in that area everyday. He also mentioned that there are also cars travelling through vacant lot though sodding that area may deter that. Attorney reply: they won't be able to cut through, but they are not sure about the parking in cul de sac as the Village does have areas where parking is allowed, would need to check with police department and get back to him.

Richard Thomas is a resident over in Liberty Park and supports having the vacant building filled. His concern is the number of car carrier vehicles traveling on 41st through the residential area, they use the Arby's lot for unloading and he has safety concerns for these semi trucks traveling in area.

Nicole Edmeyer, 4111 N Adams Street, shortly after purchasing one of the car dealerships opened up and she has documented numerous times of test driving, unloading and loading, cars speeding and increased traffic from the dealerships being in there. She has spoken to Chief Mulhearn and was asked to contact County since they are a Dupage county sheriff area of response. Ziegler did mention that though it is not their jurisdiction that Chief Mulhearn did visit the dealerships to revisit the rules regarding their traffic through the residential areas.

**COMMISSIONER COMMENT:**

Bartel: supports the business, but concerned about the Illinois Franchise act violation.

Sharp: supports the business, will leave the legality of business to another person.

Thomas: does not understand the differences between the custom orders at the current dealers and the TESLA business model.

Richard: clarified that the legality of the auto dealer is not the commission's issue, they are only

approving whether a dealer can operate there or not. Reply: TESLA will be leasing the property.

Pill: welcomed them to Westmont and asked how many full services dealers do they have for TESLA.

Reply: They have over 100, and they have storefront type facilities, they have a full size dealers in Chicago, Villa Park and Highland Park. Expected to open before year end. Showroom floor would be 4 cars for display only. On the exterior of property would be cars waiting for delivery, loaner cars for service and if someone didn't take delivery they may have a car, but will not have an inventory of cars. They can take trade ins but they use a third party company to sell those cars, though they would be licensed to sell cars at this dealership. The transaction is sales taxed either at point of sale or point of delivery, dependent on state but typically delivery point because that is where paperwork is handled.

Van Buren: concerned about the legality. Reply: they would not be doing it illegally.

Carmichael: asked again about how Chicago dealer is operating if they are not legal. Reply: McGrath said there was 4 licenses allowed with a settlement offer in order to preserve the jobs, etc. at those locations. It was not based on allowing them to expand and if they are allowed to it would be taken up in State court.

Richard: reiterated that only question for commission is whether they would allow a car dealer in that locations. Asked about service and if they would do body and paint repairs. No other vehicles for sale, only TESLA's. Asked about sales tax, for cars that are sold at Oak Brook location but delivered in Westmont. Stated that if delivery takes place in Westmont, Westmont should get the tax money. Reply: no body and paint and only their vehicles for sale. Currently they are working on a charging network, called superchargers for owners of TESLAs could stop to charge their car. She could answer the tax question for sure regarding sales tax for cars sold in Oak Brook but delivered in Westmont.

#### **FINDINGS OF FACT A**

- (1) YES--7; NO--0
- (2) YES--7; NO--0
- (3) YES--7; NO--0
- (4) YES--7; NO--0
- (5) YES--7; NO--0
- (6) YES--7; NO--0
- (7) YES--7; NO--0

#### **MOTION A**

Motion to recommend to the Village Board of Trustees to approve to a Special Use Permit request to operate an automobile dealership in the B-2 General Business District.

Motion by: Thomas

Second by: Bartel

#### **VOTING A**

Van Buren--Yes

Sharp--Yes

Thomas--Yes

Bartel--Yes

Carmichael--No

Pill--Yes

Richard--Yes, contingent on sales tax issue

Motion passed.

**PZ 16-010      Cashman Stahler Group, Inc. regarding improvements at J.T. Manning Elementary School, located at 200 North Linden Avenue, Westmont, IL 60559 for the following:**

- (A)      Zoning Code Variance request for relief from the maximum allowable Floor Area Ratio (FAR) in the R-3 Single Family Detached Residence District.
- (B)      Zoning Code Variance request for relief from the maximum allowable Lot Coverage in the R-3 Single Family Detached Residence District.
- (C)      Site and landscaping approval to construct a building addition.

**PRESENTATION:** Natalie Kritchley, architect for the project presented an overview of the design. They do not have a monetary hardship since they are a school but the concern is a safety hardship. They are proposing a new entranceway which will improve visibility and proposing to move the office inside, create a secure entry, visitors will be buzzed in and through a lobby guard system which checks the ID against a database and checks them in and gives visitors a pass. Addition will match the existing exterior look, there will be an accessible ramp, there will be no grading due to small size of project. Setback will be 28 feet and they will be adding additional landscaping, there will be a catch basin for water. They will also be creating a restroom in the nurse's office.

**PUBLIC COMMENT:** Marie Charlton, resident of Westmont and school board President, shared that they have been working very hard to make sure the schools are as safe as they can be. They have been working tirelessly to make sure entrances are safe, Manning's entrance though it has a buzzer does not force visitors to enter through the office.

**STAFF COMMENT:** Hennerfeind stated that the applicant has two variances requests for the lot coverage and FAR and site plan and landscaping approval was requested by staff.

**COMMISSIONER COMMENT:**

Carmichael: looks like an excellent plan and asked about what happens if a visitor does not have an ID.  
Reply: Kevin Carey stated that someone without an ID would have to be escorted.

Van Buren: this is a very good clear presentation and he supports.

Pill: loves the collaboration between the parties involved.

Thomas: well done, well thought out, keeping children safe.

Sharp: appreciates the safety and the site plan, but commented that ramp seems very close to sidewalk, possibly add some landscaping there.

Bartel: great presentations and children safety is paramount of importance.

Richard: extremely well done, asked about doors in alley. Reply: doors are slate glass with protective coating and would then be used only by staff.

**FINDINGS OF FACT**

- (1) YES--7; NO--0
- (2) YES--7; NO--0
- (3) YES--7; NO--0

**MOTION A**

Motion to recommend to the Village Board of Trustees to approve to a Zoning Code Variance request for relief from the maximum allowable Floor Area Ratio (FAR) in the R-3 Single Family Detached Residence District.

Motion by: Sharp

Second by: Pill

**VOTING A**

Van Buren--Yes

Sharp--Yes

Thomas--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

**MOTION B**

Motion to recommend to the Village Board of Trustees to approve to a Zoning Code Variance request for relief from the maximum allowable Lot Coverage in the R-3 Single Family Detached Residence District.

Motion by: Bartel

Second by: Van Buren

**VOTING B**

Van Buren--Yes

Sharp--Yes

Thomas--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

**MOTION C**

Motion to recommend to the Village Board of Trustees to approve to a Site and landscaping approval to construct a building addition.

Motion by: Pill

Second by: Thomas

**VOTING C**

Van Buren--Yes

Sharp--Yes

Thomas--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

**(8) Motion to adjourn.**

Motion by: Bartel

Second by: Thomas

**Meeting adjourned 9:29pm.**